

TINA WOLFSON (SBN 174806)  
twolfson@ahdootwolfson.com  
THEODORE MAYA (SBN 223242)  
tmaya@ahdootwolfson.com  
CHRISTOPHER STINER (SBN 276033)  
cstiner@ahdootwolfson.com  
**AHDOOT & WOLFSON, PC**  
10728 Lindbrook Drive  
Los Angeles, CA 90024  
Tel: (310) 474-9111  
Fax: (310) 474-8585

MARK C. MOLUMPY (SBN 168009)  
mmolumpy@cpmlegal.com  
TYSON REDENBARGER (SBN 294424)  
tredenbarger@cpmlegal.com  
NOORJAHAN RAHMAN (SBN 330572)  
nrahman@cpmlegal.com  
JULIA PENG (SBN 318396)  
jpeng@cpmlegal.com

**COTCHETT, PITRE & McCARTHY LLP**  
840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
Telephone: 650.697.6000  
Facsimile: 650.697.0577

*Interim Co-Lead Class Counsel*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

IN RE ZOOM VIDEO  
COMMUNICATIONS, INC. PRIVACY  
LITIGATION

**COOLEY LLP**  
MICHAEL G. RHODES (SBN 116127)  
(rhodesmg@cooley.com)  
TRAVIS LEBLANC (SBN 251097)  
(tleblanc@cooley.com)  
KATHLEEN R. HARTNETT (SBN 314267)  
(khartnett@cooley.com)  
DANIELLE C. PIERRE (SBN 300567)  
(dpierre@cooley.com)  
JOSEPH D. MORNIN (SBN 307766)  
(jmornin@cooley.com)  
EVAN G. SLOVAK (SBN 319409)  
(eslovak@cooley.com)  
101 California Street, 5th Floor  
San Francisco, California 94111-5800  
Telephone: +1 415 693 2000  
Facsimile: +1 415 693 2222

*Attorneys for Defendant Zoom Video  
Communications, Inc.*

Master File No. 5:20-cv-02155-LHK

**JOINT CASE MANAGEMENT CONFERENCE  
STATEMENT**

CMC Date: August 12, 2020  
CMC Time: 2:00 pm  
Judge: Hon. Lucy H. Koh  
Courtroom: 8

**JOINT CASE MANAGEMENT STATEMENT**

Pursuant to the Standing Order for All Judges of the Northern District of California, and the Court's Order setting a Case Management Conference for August 12, 2020, and Civil Local Rule 16-9(d), Plaintiffs Caitlin Brice, Heddi N. Cundle, Isabelle Gmerek, Cynthia Gormezano, Kristen Hartmann, M.F. and his parent Therese Jimenez, Lisa T. Johnston, Oak Life Church, Saint Paulus Lutheran Church and Stacey Simins (collectively, "Plaintiffs"), and Defendant Zoom Video Communications, Inc. ("Zoom"), by and through their respective counsel of record, hereby jointly submit this Case Management Statement reporting on the progress and changes since the last statement was filed and making proposals for the remainder of the case development process.

**1. PROGRESS SINCE LAST CASE MANAGEMENT STATEMENT**

The Parties report that the only change since the last case management statement was filed on July 15, 2020, (Dkt. 112), is that Plaintiffs filed their Consolidated Amended Complaint on July 30, 2020. Dkt. 114.

**2. MOTIONS**

There are no motions currently pending. Zoom will file a Rule 12 motion in response to the amended consolidated complaint on or before September 14, 2020.

**3. EVIDENCE PRESERVATION**

The Parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored Information and have taken reasonable and proportionate steps to preserve evidence relevant to the issues in these actions. The Parties are actively meeting and conferring for the purposes of developing a joint protocol for the production of Electronically Stored Information ("ESI"). The Parties anticipate stipulating to a protocol governing ESI discovery in this matter.

**4. DISCLOSURES**

The Parties conferred pursuant to Rule 26(f) on July 7, 2020. The Parties intend to serve their initial disclosures by no later than August 14, 2020.

1       **5. DISCOVERY**

2           The Parties have not yet commenced discovery. The Parties anticipate jointly proposing a  
3 Stipulated Protective Order, which will address privilege and confidentiality issues, as well as other  
4 issues related to discovery.

5           **Plaintiffs' Statement:**

6           Plaintiffs intend to start discovery in the near future. The targeted areas of document  
7 discovery may include, but are not limited to, Zoom's sharing of user's personal information, Zoom's  
8 security and privacy measures, and Zoom's failure to investigate and disclose to users that Zoom had  
9 experienced failures related to its services and products. Plaintiffs anticipate needing more than ten  
10 (10) depositions.

11          **Zoom's Statement:**

12          Zoom anticipates propounding written discovery to Plaintiffs and deposing Plaintiffs, possibly  
13 other unnamed putative class members, and any experts that Plaintiffs intend to present. The subject  
14 of Zoom's discovery may include, among other things, Plaintiffs' alleged purchase of Zoom's  
15 videoconferencing services, Plaintiffs' alleged use of those services, Plaintiffs' consent to any of the  
16 alleged actions complained of by Plaintiffs, the nature of any damages alleged by Plaintiffs, and  
17 issues related to class certification. Zoom believes the Parties should meet and confer as discovery  
18 evolves, should the need for more than ten (10) depositions arise.

19       **6. SETTLEMENT AND ADR**

20          Pursuant to ADR Local Rule 3-5 and Civil Local Rule 16-8, on July 7, 2020, the Parties have  
21 met and conferred regarding the available dispute resolution options and filed their respective ADR  
22 Certifications. The Parties have chosen private mediation from among the required options and will  
23 continue to meet and confer about potential mediators and the appropriate timing of mediation.  
24

25       **7. SCHEDULING**

26          The Parties' respective positions on scheduling are set forth below. The Parties have had  
27 preliminary discussions and will continue to meet and confer on this issue.  
28

**Plaintiffs' Position:**

Based on a proposed trial date of September 27, 2021, Plaintiffs propose the following deadlines, assuming discovery proceeds immediately in a cooperative manner:

<b><u>Fact Discovery Cut Off:</u></b>	<b>April 30, 2021</b>
<b><u>Class Certification Motion due:</u></b>	<b>February 12, 2021</b>
<b>Opposition:</b>	<b>March 5, 2021</b>
<b>Reply:</b>	<b>March 19, 2021</b>
<b><u>Expert Disclosures:</u></b>	<b>May 18, 2021</b>
<b><u>Rebuttal Expert Disclosures:</u></b>	<b>June 1, 2021</b>
<b><u>Expert Discovery Cut Off:</u></b>	<b>June 15, 2021</b>
<b><u>Last Day to File Dispositive and Daubert Motions:</u></b>	<b>July 6, 2021</b>
<b>Opposition:</b>	<b>August 2, 2021</b>
<b>Reply:</b>	<b>August 23, 2021</b>
<b><u>Final Pretrial Conference:</u></b>	<b>September 13, 2021</b>
<b><u>Jury Trial:</u></b>	<b>September 27, 2021</b>

**Zoom's Position**

Zoom's position is that it is premature to set specific deadlines for class certification, designation of experts, discovery cutoff, hearing of dispositive motions, pretrial conference, and trial until the Rule 12 motion is resolved and the scope of the operative complaint, if any, is clear. Zoom respectfully proposes that once the Court has finally resolved Zoom's Rule 12 motion(s), and assuming they do not fully dispose of the case, the parties promptly meet and confer to propose a schedule for the remainder of the case. In the alternative, Zoom would not be opposed to the Court setting the deadline for Plaintiffs to file their motion for class certification 240 days after the Court's final resolution of Zoom's Rule 12 motion(s), with appropriate attendant discovery deadlines.

**8. TRIAL****Plaintiffs' Position:**

Plaintiffs have requested a jury trial. Plaintiffs believe that the trial will last approximately 15 court days.

**Zoom's Position:**

Zoom reserves the right to demand a jury trial on any of Plaintiffs' claims. In light of the early stage of this case, Zoom cannot presently estimate the length of trial, which will depend on the scope of the case after the Court's ruling on Zoom's anticipated Rule 12 motion, as well as on Plaintiffs' anticipated motion for class certification and Zoom's anticipated motion for summary judgment.

**9. OTHER**

The Parties have no other issues to raise at this time.

Dated: August 5, 2020

**AHDOOT & WOLFSON, PC**

By: /s/ Tina Wolfson  
Tina Wolfson

Dated: August 5, 2020

**COTCHETT, PITRE & MCCARTHY LLP**

By: /s/ Mark C. Molumphy  
Mark C. Molumphy

Interim Co-Lead Class Counsel

Dated: August 5, 2020

**COOLEY LLP**

MICHAEL G. RHODES (116127)  
TRAVIS LEBLANC (251097)  
KATHLEEN R. HARTNETT (314267)  
DANIELLE C. PIERRE (300567)  
JOSEPH D. MORNIN (307766)  
EVAN G. SLOVAK (319409)

By: /s/ Michael G. Rhodes  
Michael G. Rhodes (116127)

Attorneys for Defendant

ZOOM VIDEO COMMUNICATIONS, INC.

**FILER'S ATTESTATION**

I, Mark C. Molumphy, am the ECF user whose identification and password are being used to file this Joint Case Management Conference Statement. In compliance with L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of this Joint Case Management Conference Statement has been obtained from each of the other signatories.

Dated: August 5, 2020

/s/ Mark C. Molumphy

Mark C. Molumphy  
COTCHETT, PITRE & MCCARTHY, LLP  
840 Malcolm Road, Suite 200  
Burlingame, California 94010  
Telephone: (650) 697-6000  
Email: mmolumphy@cpmlegal.com  
*Interim Co-Lead Class Counsel*